

Date: 3/26/2012 10:09 AM
Subject: MSP NCJA Update-School Agency and Contractor Agreements

Dear NCJA:

This is an update on behalf of the Department of Michigan State Police (MSP), Criminal Justice Information Center (CJIC), Audit and Training Section (ATS). You are receiving this message as you have requested or agreed to be added to our ATS Listserv. If you no longer wish to receive updates, or you feel you've received this message in error, please reply to this correspondence with "REMOVE" in the subject line.

As of March 23, 2012 we have received approval that the MSP suggested language meets the federal requirement in regards to user agreements between school agencies and contractors. The following language (bolded text) should be added to a user agreement or as an addendum to an existing agreement.

Security Exchange Agreements

Under federal regulations (28 CFR 906), the contractor's ability to receive federal criminal history information is an outsourced human resources function of the school where the contract employee will be working. As such, the contract or agreement between the school and the contractor (as required and described under MCL 380.1236a) must incorporate, either explicitly or by reference, the Security and Management Control Outsourcing Standard for Non-Channelers, with a copy appended. A copy of the latest version (11/03/2010) is available at:

http://www.fbi.gov/about-us/cjis/cc/library/11032010_nonchanneler_os.pdf

A sufficient minimum incorporation would be: **"[The contractor] may receive criminal history record information from the department of state police for the purpose of conducting employment background checks on behalf of [school agency] as required by state law. CHRI received by [the contractor] for such purposes is to be maintained and processed in accordance with the federal Security and Management Control Outsourcing Standard for Non-Channelers, wherein [the school] would be the 'Authorized Recipient' and [the contractor] would be the 'Contractor.'"** This will satisfy both the federal requirement and the state requirement under MCL 380.1236a(2)(e).

Incorporations materially different from this (or explicit copying from the Standard) must be approved by Michigan's Compact Officer, presently Katie Bower (bowerk@michigan.gov).

Thank you,

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